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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 GAIL R. HORSLEY,

9 Plaintiff(s),

10 v.

11 NATIONAL PARK SERVICE, et al.,

12 Defendant(s).
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2:12-CV-2185 JCM (PAL)

15 **ORDER**

16 Presently before the court is defendants', National Park Service and United States
17 Department of the Interior, motion to dismiss. (Doc. # 6). Plaintiff filed a non-opposition. (Doc.
18 # 7).

19 Also before the court is plaintiff's motion to substitute party, or, in the alternative, motion
20 for leave to amend complaint. (Doc. # 8). Defendants filed a non-opposition. (Doc. # 9).

21 Plaintiff filed suit against the defendants following her alleged fall and resulting injury at the
22 Hoover Dam. The motion to dismiss argues, among other things, that the Federal Tort Claims Act,
23 28 U.S.C. §§ 1346(b), 2671-2680 requires that the United States, and not the defendants named in
24 this case, be the named defendant. *See, e.g., Corey v. McNamara*, 409 F.Supp.2d 1225, 1228-29 (D.
25 Nev. 2006) (stating "the United States is the only proper defendant in cases alleging tortious
26 conduct."). Plaintiff filed a non-opposition to the motion to dismiss provided that plaintiff could
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1 either substitute in the United States as the correct defendant or amend her complaint.¹

2 The court finds it appropriate to allow plaintiff to amend her complaint. Plaintiff shall file
3 an amended complaint with the court within ten days of this order.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to
6 dismiss (doc. # 6) be, and the same hereby, is GRANTED.

7 IT IS FURTHER ORDERED that plaintiff's motion to substitute party, or in the alternative,
8 motion for leave to amend complaint (doc. # 8) be, and the same hereby, is GRANTED.

9 IT IS FURTHER ORDERED that plaintiff shall file an amended complaint with the court
10 within ten days of this order.

11 DATED April 12, 2013.

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14 **UNITED STATES DISTRICT JUDGE**

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27 ¹ Plaintiff also agreed to the dismissal of the Doe and Roe defendants with prejudice. Those
28 parties are dismissed with prejudice.